



REGULAR TOWN COUNCIL MEETING

Tuesday, November 17, 2020 at 6:00 PM

Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Audra M. Killingsworth, Brett D. Gantt, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch (remotely), and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order. Following statement from himself, he asked Council Members to express thoughts of what they were thankful for. He led the Pledge of Allegiance.

PRESENTATIONS

PR1 Mayor Jacques Gilbert

Presentation to Police Officer Steven LaFemina

Mayor Gilbert stated this presentation meant so much to him because it told the story of what policing should be about – compassion. Many police officers in Apex and across the nation sacrifice their lives to protect the public. The Mayor stated it was important to recognize the men and women of our community who put people first.

Mayor Gilbert told the story of a friend whose life was saved because of the good work of a police officer. He stated circumstances of his friend's life, stating that everyone's life in the community means something and everyone should be treated with dignity and respect. Mayor Gilbert outlined how Officer LaFemina saved the life of his friend. He also stated that Officer LaFemina saved another life in months prior.

Mayor Gilbert called Officer LaFemina, his wife, and son to come forward. He read the first section of the Award of Commendation. He stated that his friend stated he was thankful for the actions of Officer LaFemina.

Mayor Gilbert read the second section of the Award stating that in another instance, Officer LaFemina gave CPR to a resident which saved his life. Mayor Gilbert presented the Award.

Mayor Gilbert additionally recognized Lt. Tom Parady who put the Narcan program together.

Mayor Gilbert then recognized Commander in Chief of the Apex Police Department, John Letteney [retiring from Apex in January]. Mayor Gilbert called Chief Letteney forward and thanked him for a job well done and for his service to this community. His work will never go unnoticed. Chief Letteney praised the phenomenal work of his staff and for the support his team has received from Council in providing opportunities for training and in putting together programs.

PR2 Colleen Merays, Downtown and Small Business Development Coordinator
Shannon Flaherty, Executive Director, Apex Chamber of Commerce
Presentation of Apex Small Business Saturday Promotion

Staff recognized Shane Reese, President of the ADBA and owner of STR Strategies, Nicholas Bryant, VP of the ADBA and owner of the Apex Gallery, and Shannon Flaherty, President of the Apex Chamber of Commerce.

Ms. Flaherty stated the new collaboration with Ms. Merays in the Depot has been awesome. She thanked her for all the support of small businesses, which are the heartbeat of any town.

Mr. Reese thanked Council and staff and the people of the small business community. We are starting to build the connective tissue, and Mr. Reese thanked Council for giving them Ms. Merays.

Ms. Merays gave directions to the small business Saturday page on the website showing all the specials that would be available on Small Business Saturday. She encouraged all to shop small, shop local, and shop often.

PR3 North Carolina Chapter of the American Planning Association
Presentation of the Marvin Collins Small Area Plan Award from the North Carolina Chapter of the American Planning Association

Shannon Cox, Long Range Planning Manager, stated this award was a high honor in the planning field. It was awarded to Apex and Stantec Urban Places led by Project Manager Amanda Morrell and represented by Timothy Tresohlavy for the Downtown Master Plan and Parking Study. Ms. Cox stated this has been the highlight of her career – a plan for an amazing place of special and committed people. They were already working towards implementation. She invited the Steering Committee to come forward for a photo opportunity, their being joined by Council Member Brett Gantt.

Council Member Gantt stated it was an honor being the Council liaison for this committee. They were innovative, creative, and exciting people to work with. The product shows an amazing plan worthy of the award.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk
Minutes of the September 30, 2020 Special Council Meeting, the October 20, 2020 Regular Council Meeting, and the October 27, 2020 Special Council Meeting
- CN2 Shelly Mayo, Planner II
Findings of Fact, Conclusions of Law and Decision approving a Major Site Plan for Apex Friendship Elementary School located at 7901 Humie Olive Road
- CN3 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation- Apex Town Council's intent to annex MCI Enterprises LLC (MCI Business Park Buildings 3 & 4) property containing 5.53 acres located at MCI Business Park, Annexation #697 into the Town's corporate limits
- CN4 Vance Holloman, Finance Director
Budget Ordinance Amendment No. 7 appropriating the proceeds of the 2020 Taxable General Obligation Refunding Bonds
- CN5 Russell Dalton, Sr Transportation Engineer and Vance Holloman, Finance Director
Design Services Agreement with Stantec Consulting Services Inc. for Downtown Streetscape and Parking Design in the amount of \$614,597 and the corresponding Capital Project Ordinance Amendment No. 2021-02
- CN6 Erika Sacco, IT Director
ILA with Cary NC to connect resources by Town of Apex and Cary owned fiber

The Mayor stated there was a requested add-on item, Budget Amendment 8 to reimburse Experience One Homes for costs incurred in the construction of the Sweetwater greenway.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council

Member Gantt made the motion with the add on Budget Amendment 8;

Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert stated there was staff request to hear Public Hearing 08 before Public Hearing 01.

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda. Council

Member Killingsworth made the motion with the requested Public Hearing modification;

Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Dr. David Bernhart spoke regarding work on the transportation bond, which has the potential to work on multiple construction projects throughout Apex. One important item to them was the southwest Peakway connector project. Originally CSX demanded the building of a bridge or tunnel, with the bridge being the first project to move forward. In 2015 a bond for \$15 million was pushed forward toward the project which has now ballooned to \$25 million and the need for another bond referendum.

Federal and State funding has dried up thanks to the pandemic. He stated with all the other projects, this is a large sum of money to spend on building a bridge that would support only a small portion of the community. The request from him and his neighbors was for the money to be allocated to more important development projects which would benefit many people.

Alison Gantt stated she was opposed to funding of the Peakway bridge. Compared to the bridge, there are more important and impactful projects ready to pursue. Many people characterize this as not the Town's most important project. The projected cost has skyrocketed while State and Federal funding has been depleted. Ms. Gantt stated it is fiscally irresponsible to fund this project. With the need for other proposed projects, the need for the bridge will be dramatically reduced. The bridge project would displace underserved in the community; the onramp could be used for something more effective in the community. Ms. Gantt stated their homes would be impacted negatively by the building of the bridge.

PUBLIC HEARINGS

PH8 Joanna Helms, Economic Development Director

To provide economic development incentives for Project Protein in accordance with the Town's Policy on Economic Development Incentives and to direct staff and the Town Attorney to draft an agreement between the Town and the company according to terms provided herein by Council and to authorize the Town Manager to approve and execute the final agreement

Staff outlined the incentive grant policy. Council approved a \$78,435 grant to Project Protein based on their \$7 million investment. This is a bio ag industry project, and staff outlined the company's proposal. There have been a few internal twists and turns in the company, but they maintain their interest at the Cash Corporate Center. They have notified us that their investment is now \$9 million with the creation of 30-40 jobs. Therefore, the grant eligibility has risen to \$106,448. Economic Development recommended awarding the grant.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the
Motion to approve the increased grant funding to \$106,448;

Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH1 Shelly Mayo, Planner II

Ordinance – Apex Town Council's intent to annex Florence S. Morrison Family Living Trust (Holleman Hills South) properties containing 10.16 acres located at 5131 and 5145 Church Road, Annexation #696 into the Town's corporate limits. This annexation will be heard concurrently with Rezoning Application #20CZ09.

and

PH2 Shelly Mayo, Planner II

Rezoning Application #20CZ09 Holleman Hills South and Ordinance. The applicant, Alonzo Wilson, seeks to rezone approximately 10.16 acres from Wake County R-30 to Medium Density-Conditional Zoning (MD-CZ). The proposed rezoning is located at 5131 and 5145 Church Road

Staff oriented Council to the site. A neighborhood meeting was held. Planning staff recommended approval with a zoning condition, and staff explained the reason for that condition.

Responding to Council, staff spoke about road improvement details of the UDO. We can only require the developer to do certain things as far as this was concerned. Staff added further explanation of what we can require.

Jeff Roach, Peak Engineering and Design, working with the applicant, identified other members of the team and explained the request. He spoke about the unimproved roads noting the one here is a State road. Mr. Roach answered Council question about the RCA. He answered affordability questions and read White Oak's commitment statement. He did not know yet if they would be able to build affordable housing. The stream buffer was clarified.

Council asked Mr. Roach about affordable housing questions in the neighborhood meeting, responding that this was not the intent of the developer. Council did not feel affordable housing would be done as part of project, and that funding would go straight to a donation. Mr. Roach stated the original plan was to bring this in as a market rate project.

Council did not understand the objection to the stream buffer condition, stating that we are trying to set policy to address zoning conditions. He did not want to set a precedent of not doing what we seek to do in the policy. Mr. Roach stated he was not against the buffer and that it could be added to the project.

Council felt the Town could come up with a legally justifiable condition.

Council stated her appreciation for conditions which are important to the Town.

Mayor Gilbert declared the Public Hearing open.

Alonzo Wilson, applicant, expressed he was thankful for those willing to stand up and make this a better place to live. He was proud to be standing before Council to speak. Mr. Wilson asked for support and stated his mission to bring affordable housing to Apex. His strategy was to follow the process. He wants to develop property to bring affordable housing to the table once they get their entitlements. Council thanked Mr. Wilson for his mission for housing affordability. The Mayor stated he knew where Mr. Wilson's heart was and what he was trying to accomplish. He appreciated everything Mr. Wilson was doing.

Rev. Tyner stated he wanted to make housing affordable to all citizens, and he talked about the importance of having home ownership. Rev. Tyner has built in Durham, and now he's working in Apex. He built the first seven houses on Lynch Street. Rev. Tyner talked about attempting to purchase land for housing for Habitat, but this fell through with the bank. So,

Habitat purchased the land from them. This project ought to be for affordable housing, but Mr. Wilson couldn't do so because of cost. He asked Council to help in this effort. Land prices are too high, there's no money in building affordable housing, and incentives are needed because of cost.

The Mayor pointed out the amazing job done on Lynch Street.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Stallings made the motion to adopt the annexation; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the rezoning with conditions offered by the applicant;

Council Member Stallings seconded the motion.

Council added comments relating to being impressed with what's been offered, the RCA, and canopy covers not being an issue.

The motion carried by a 5-0 vote.

PH3 Adam Stephenson, Engineering Supervisor

Amendments to the Unified Development Ordinance related to the Flood Damage Prevention Overlay District

Staff explained the language of the amendments was taken from the model ordinance from the NC Department of Public Safety. Most of the changes were minimal. He highlighted the significant two significant changes. Staff shared flood insurance data. Planning Board approved the amendments.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the UDO amendments; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote

PH4 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance as requested by Planning staff

Staff detailed the amendments and answered Council questions related to such. Planning Board recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the UDO amendments; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote

PH5 Shannon Cox, Long Range Planning Manager

Amendments to the Thoroughfare and Collector Street Plan map associated with review of data from Advance Apex: The 2045 Transportation Plan

Staff outlined the amendments. Planning reviewed the amendments with several other Town departments and there were no concerns. Staff and the Planning Board recommended approval. Staff responded to questions asked by Council and clarified how they try to avoid existing structures in roadway projects.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to approve the amendments to the Thoroughfare and Collector Street Plan Map;

Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote

PH6 Jenna Shouse, Long Range Planner II

Amend the Bicycle and Pedestrian System Plan map to add side path, a grade-separated pedestrian crossing, and greenway associated with the approved Depot 499 Planned Unit Development (PUD)

Staff oriented Council to the amendments. Staff and Planning Board recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the amendments to the Bicycle and Pedestrian System Plan Map;

Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

Mayor Gilbert called for a ten-minute recess.

PH7 Shannon Cox, Long Range Planning Manager

Proposed amendments to the Thoroughfare and Collector Street Plan map associated with the possible reversal of amendments made according to recommendations in the Southwest Area Study pertaining to New Hill Olive Chapel Road and North Salem Street

Staff oriented Council to the first amendment, noting that this has been heard previously. Staff and Planning Board recommended rejecting the reversal of the previously approved amendments. Responding to Council, staff answered questions related to historic structures and number of road lanes.

Staff oriented Council to the second amendment. Planning staff and the Planning Board recommended rejecting the reversal of the previously-approved amendment.

Responding to Council, staff answered questions about collaboration with Thales about the traffic at their location. Besides improving the road, staff did not see what else could be done to help the traffic situation there.

Mayor Gilbert declared the Public Hearing open.

Recorded comments were heard. Mike Hicks was opposed to widening the road to four lanes with a median. The majority of traffic was from through traffic. This has increased because of new development and will continue. However, it still didn't warrant a change in lanes with median. He talked about resulting negatives and stated that amendments to other roads would be more beneficial.

Patrick and Kim Tierney moved to Olive Chapel Road for many reasons. They supported the expansion to four lanes with median and explained why. They felt the lanes would support traffic once developments were developed to full capacity.

Rebecca Ward stated support of expanding New Hill Olive Chapel Road. This is no longer a rural road with all the houses being built, and this is dangerous. Ms. Ward was in favor of the expansion which would help with safety and in keeping traffic to a minimum.

In attendance, Jess Hastings, President of Apex Historical Society and Vice Chair of the Wake County Historical Commission, spoke about the road improvement plans. He spoke about the seven historical structures in the area. He was most concerned about Salem Street. A new road would be very close to their front doors. He was asked about possibly moving the houses and explained the process to do so and the associated costs. Mr. Hastings stated that we would lose seven structures that are a draw to downtown. He made suggestion as to how to mitigate the traffic situation.

Erin Bridges asked Council to leave Salem Street alone. She disagreed with the reasoning behind the changes as there is no room to widen the road. There is only 30 feet between the sidewalk and her front door. If this goes through, there would only be about 10 feet. This does not fit a residential area. Ms. Bridges also stated that a car dealership was not consistent with the neighborhoods and that the school problem should be solved using school property.

Mayor Gilbert declared the Public Hearing closed.

Council stated he supported the amendment to modify New Hill Olive Chapel Road back to two lanes. This road has rural character that should be retained. We should look at this as being a transition. In addition, the graveyard is a deal breaker, and graves may have to be moved in the future.

Council agreed, stating that there is a tension between development and traffic and maintaining ruralness and historic structures.

Council thanked staff for more information and the reaching out of the public. She was against Crossroads Ford at our entranceway; it doesn't belong there. After further thought and thinking of those most affected in the area, she was in agreement with reverting back to a two-lane road.

Council stated that since we are trying to balance development and keeping our historical nature, this would be difficult unless historical houses were moved. There would be major issues getting around the houses and the cemetery. We will lose the small town feel that people enjoy. Council stated the historical nature was more important, so she supported staying with two lanes.

Council disagreed because of looking at traffic projections on other maps. Preserving structures would inconvenience many who have not yet moved to Apex. Traffic will be terrible and future Councils may wonder why we stayed at two lanes. On Tingen, we are suffering from negative feedback where we didn't plan very well. On Salem Street, there are not pretty gateway buildings. Combine with this traffic jams, and he wondered how people will feel looking at constant traffic jams in front of their homes.

Council stated we will have other options along the way. Widening Salem is not a solution to the problem. We should be thinking about ways to get traffic off of Salem. Council agreed, stating that she consistently voted against developments in certain areas in order to maintain small town character.

The Mayor asked how it would impact funding if we change what's in our long-range planning. Staff stated what the process would be. In most cases, CAMPO will honor local wishes. Conversation ensued as to what could be another solution for encouraging traffic off of Salem Street.

Council asked about a bypass in the New Hill area. Staff stated this was an additional recommendation from the study which we are working to further vet.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to approve downgrading Salem Street to a future three lane thoroughfare; Council Member Stallings seconded the motion. Council Members Mahaffey, Stallings, Dozier, and Killingsworth voted in the affirmative; Council Member Gantt voted in the negative.
The motion carried by a 4-1 vote.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to approve downgrading New Hill Olive Chapel Hill road to an existing rural road two-lane thoroughfare; Council Member Stallings seconded the motion. Council Members Mahaffey, Stallings, Dozier, and Killingsworth voted in the affirmative; Council Member Gantt voted in the negative.
The motion carried by a 4-1 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business Items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

There were no Closed Session items for consideration.

The Meeting moved to Training Room A for the Work Session.

WORK SESSION

WS1 Amanda Grogan, Budget and Management Analyst; Shawn Purvis, Assistant Town Manager

Financing options to fund transportation projects presented at the November 4, 2020 Council Meeting Work Session

Staff outlined last year's ranking of CIP projects by Council. Funding for these projects now needs to be available instead of at the end of a project.

Staff asked how Council wished the \$12 million to be allocated. Conversation ensued related to the bridge, the Peakway, and the public's perception of what the bond would be used for; the opportunity to get things done to improve the quality of life; and wording on the ballot related to bond funding.

The majority of Council was in agreement to allocate \$5 million to pavement management backlog and \$7 million to the Apex Peakway Bridge.

Further conversation ensued about CSX and another possible bond to build the bridge.

ADJOURNMENT

With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor